

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.4368 OF 2005

Registrar, Maharashtra Phule
Krishi Vidyapeeth, Rahuri
Dist.:Ahmednagar & Anr. ... Petitioners

V/s.

Shri Dashrath Appa Nalawade & Ors. ... Respondents

Ms.Neeta Karnik for Petitioners
Mr.Umesh Mankapure for Respondent Nos.1 and 2

CORAM: SMT.NISHITA MHATRE, J.

DATED: OCTOBER 6, 2005

P.C.:

. The Petitioners challenge the order of the Industrial Court passed under Items 6 and 9 of Schedule IV of the MRTU & PULP Act. The Industrial Court had directed that the complainants should be made permanent in service with the respondent and that they should be given consequential benefits of permanency from the date of the complaint i.e., from 8.6.1994. Costs of the complaint were also awarded quantified at Rs.1,000/-. The contention raised in the petition is that by granting permanency, the seniority list would be disturbed as also the roster position. It is submitted that the Respondent Nos.1 and 2 were appointed against clear vacancies. However, by granting them such permanency from the date of the complaint, it would disturb the reservation policy of the State.

2. Although this contention has not been taken in the written statement filed by the Petitioners, I am of the view that this submission is relevant and would be necessary to be considered by the Industrial Court. The matter is, therefore, remanded to the Industrial Court subject to the Petitioners paying the costs as awarded by the Industrial Court within three weeks from today. The petitioners are at liberty to amend the written statement to make the submissions made in the writ petition. Any rejoinder, if necessary, may be filed by respondent-workmen. The Industrial Court may permit the parties to lead any additional evidence. The Industrial Court to dispose off the matter as expeditiously as possible since the complaint is of the year 1994.

3. Writ petition is disposed off in the above terms.